

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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UNITED STATES OF AMERICA, ex rel.  
R & R LITIGATION, LLC;

Plaintiffs,

v.

VIBRA HEALTHCARE CORPORATE, LLC;  
VIBRA HOSPITAL OF AMARILLO, LLC;  
VIBRA HOSPITAL OF BOISE, LLC;  
VIBRA HOSPITAL OF CHARLESTON, LLC;  
VIBRA HOSPITAL OF FARGO, LLC;  
VIBRA HOSPITAL OF MAHONING VALLEY,  
LLC;  
VIBRA HOSPITAL OF NORTHWESTERN  
INDIANA, LLC;  
VIBRA HOSPITAL OF RICHMOND, LLC;  
VIBRA HOSPITAL OF SACRAMENTO, LLC;  
VIBRA HOSPITAL OF SAN BERNARDINO,  
LLC;  
VIBRA HOSPITAL OF WESTERN  
MASSACHUSETTS, LLC;  
VIBRA REHABILITATION HOSPITAL OF  
AMARILLO, LLC;  
VIBRA REHABILITATION HOSPITAL OF  
DENVER, LLC;  
VIBRA REHABILITATION HOSPITAL OF EL  
PASO, LLC;  
VIBRA REHABILITATION HOSPITAL OF  
FLORENCE, LLC;  
VIBRA REHABILITATION HOSPITAL OF  
SOUTHERN INDIANA, LLC;  
VIBRA SPECIALTY HOSPITAL OF DALLAS,  
LLC;  
VIBRA SPECIALTY HOSPITAL OF  
PORTLAND, LLC;  
NEXT STEP HEALTHCARE, LLC;

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CIVIL ACTION NO.1:21-cv-10500-PBS

FILED  
UNDER SEAL

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NEXT STEP MA MASTER SUBTENANT,  
LLC;  
NEXT STEP MA NH GEN MASTER TENANT,  
LLC;  
NEXT STEP MA NH MASTER TENANT, LLC;  
NEXT STEP ME MASTER SUBTENANT, LLC;  
POST ACUTE PARTNERS MANAGEMENT,  
LLC;  
WOODMARK PHARMACY OF CT, LLC;  
WOODMARK PHARMACY OF  
MASSACHUSETTS, LLC;  
WOODMARK PHARMACY OF NEW YORK,  
LLC;  
1019 WICKER STREET OPERATING  
COMPANY, LLC;  
104 OLD NIAGRA ROAD OPERATING  
COMPANY, LLC;  
111 ENSMINGER ROAD OPERATING  
COMPANY, LLC;  
112 SKI BOWL ROAD OPERATING  
COMPANY, LLC;  
1404 LONG POND ROAD OPERATING  
COMPANY, LLC;  
1818 COMO PARK BOULEVARD  
OPERATING COMPANY, LLC;  
185 OLD MILITARY ROAD OPERATING  
COMPANY, LLC;  
200 BASSETT ROAD OPERATING  
COMPANY, LLC;  
225 BENNETT ROAD OPERATING  
COMPANY, LLC;  
229 BENNETT ROAD OPERATING  
COMPANY, LLC;  
245 BASSETT ROAD OPERATING  
COMPANY, LLC;  
2600 NIAGARA FALLS BOULEVARD AL  
OPERATING COMPANY, LLC;  
2600 NIAGARA FALLS BOULEVARD  
OPERATING COMPANY, LLC;  
2850 GRAND ISLAND BOULEVARD  
OPERATING COMPANY, LLC;  
37 NORTH CHEMUNG STREET OPERATING  
COMPANY, LLC;

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44 BALL STREET OPERATING COMPANY,  
LLC;  
4459 BAILEY AVENUE OPERATING  
COMPANY, LLC;  
4800 BEAR ROAD OPERATING COMPANY,  
LLC;  
5271 MAIN STREET OPERATING  
COMPANY, LLC;  
5775 MAELOU DRIVE OPERATING  
COMPANY, LLC;  
580 ORCHARD PARK ROAD OPERATING  
COMPANY, LLC;  
626 WATERLIET SHAKER ROAD  
OPERATING COMPANY, LLC;  
76 BUFFALO STREET OPERATING  
COMPANY, LLC;  
ELDERWOOD ADMINISTRATIVE  
SERVICES, LLC;  
ELDERWOOD DEVELOPMENT, LLC; and  
ELDERWOOD STAFFING SOLUTIONS, LLC;

Defendants.

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE**  
**PURSUANT TO MASS. R. CIV. P. 41(a)(1)(A)**

Pursuant to Rule 41(a)(1) of the Massachusetts Rules of Civil Procedure, plaintiff R & R Litigation, LLC voluntarily dismisses the above-captioned action with prejudice and without costs. As reported in the Joint Status Report filed by the parties on April 11, 2023, after the relator files

this Notice of Voluntary Dismissal, the United States will file a Notice of Consent to the Dismissal.

Respectfully submitted,

ANDERSON & KREIGER, LLP

Date: April 14, 2023

BY: /s/ Lon F. Povich

Lon F. Povich, Esq.  
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WILENTZ, GOLDMAN & SPITZER, P.A.

By: /s/ John E. Keefe, Jr.

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*Attorneys for Plaintiff-Relator*

**CERTIFICATE OF SERVICE**

I, Lon F. Povich, hereby certify that on this 12<sup>th</sup> day of April, 2023, I caused the foregoing to be electronically filed with the Court by using the Case Management/Electronic Case Filing (CM/ECF) System, which will send a notice of electronic filing to all parties registered with the CM/ECF system in the above-captioned matter. A copy will go by email to those parties not electronically registered.

/s/ Lon F. Povich

Lon F. Povich